

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TRUSTEES OF BRICKLAYERS  
LOCAL NO. 3 PENSION TRUST, et al.,

Plaintiffs,

v.

JAMES L SISCO, et al.,

Defendants.

No. C 04-00694 WHA

**STIPULATION AND ORDER  
RE ENTITLEMENT TO  
ATTORNEY'S FEES AND  
SCHEDULE RE MOTION  
FOR FEES**

Pursuant to Federal Rule of Civil Procedure Rules 54, Northern District Local Rule 54, and this Court's Guidelines for Attorney's Fees Motions in Cases Before Judge William Alsup dated May 10, 2001, counsel for plaintiffs Trustees of the Bricklayers Local No. 3 Pension Trust; Trustees of the Bricklayers Local No. 3 Health and Welfare Trust; Trustees of the Bricklayers and Allied Crafts Local No. 3 Apprentice Training Trust; International Union of Bricklayers and Allied Craftsmen, AFL-CIO, Local Union No. 3, on behalf of itself and as agent for its members; and Trustees of the International Union of Bricklayers and Allied Craftsmen Pension Fund (collectively "Plaintiffs") and counsel for defendants West Bay Builders, Inc.; Hartford Fire Insurance Company; and Travelers Casualty and Surety Company of America (collectively, "Defendants"), having met and conferred for the purpose of

attempting to resolve disputes with respect to the motion for attorney's fees and costs, hereby stipulate and agree as follows:

1. That a request for attorney's fees and costs is authorized by the following provisions of California law: California Labor Code § 218.5 and § 1776; California Civil Code § 3196, § 3248 and § 3250; and by the terms of the bonds issued by Hartford Fire Insurance Company and Travelers Casualty & Surety Company of America.

2. Plaintiffs are entitled to recover their reasonable attorney's fees and costs of this action.

3. That Plaintiffs shall not seek a multiplier or enhancement of its fee request.

4. That Plaintiffs requested billing rates shall not exceed the following:

(a) For Kent Khtikian: \$225 per hour for the duration of the action.

(b) For Kimberly Hancock: \$190 per hour, from commencement through November 30, 2003. \$210 per hour, December 1, 2003, through completion of the action.

5. That a formal motion and hearing on "entitlement to fees" is not necessary because of this stipulation.

6. For the reason of counsels' trial and vacation schedules, the parties request that the Court adopt the following schedule for achieving the "second-stage milestones":

(a) Last day to meet and confer regarding reasonable fee award  
(Guidelines ¶ 6): June 10, 2005

(b) Last day to file declaration supporting time sought to be recovered  
and comply with paragraphs 7-12 of the Court's Guidelines  
(Guidelines ¶ 7-12): June 30, 2005

(c) Last day to file opposition declaration and counter-analysis  
(Guidelines ¶ 12-13): July 15, 2005

(d) Last day to complete meet and confer process (Guidelines  
¶ 14-15): July 22, 2005

(e) Deadline to serve and file under seal proposals for fee award

(Guidelines ¶ 15): July 29, 2005

(f) Last day to meet and confer after exchange of proposals

(Guidelines ¶ 15): August 5, 2005

The foregoing schedule shall replace the dates previously set by the Court's prior case management order.

Respectfully submitted,

Dated: May 23, 2005.

McInerney & Dillon, P.C.

By: /s/  
LeCarie S. Whitfield

Attorney for defendants West Bay Builders, Inc.,  
Hartford Fire Insurance Company and Travelers  
Casualty and Surety Company of America

Dated: May 23, 2005.

Katzenbach and Khtikian

By: /s/  
Kent Khtikian

Attorney for plaintiffs Trustees of the Bricklayers  
Local No. 3 Pension Trust; Trustees of the  
Bricklayers Local No. 3 Health and Welfare Trust;  
Trustees of the Bricklayers and Allied Crafts Local  
No. 3 Apprentice Training Trust; International  
Union of Bricklayers and Allied Craftsmen,  
AFL-CIO, Local Union No. 3, on behalf of itself  
and as agent for its members; and Trustees of the  
International Union of Bricklayers and Allied  
Craftsmen Pension Fund

### ORDER

**PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS SO ORDERED.**

Dated: June 7, 2005.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE